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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Water Rights

KENT L. JONES  
State Engineer/Division Director

August 28, 2014

Ray Owens  
Upper Sevier River Commissioner  
280 N 100 E  
Joseph, UT 84739

Jim Walker  
Lower Sevier River Commissioner  
2280 N 3000 W  
Delta, UT 84624

RE: Piute's claim of credit in Sevier Bridge Reservoir

Dear Ray and Jim:

We received a July 11, 2014 letter from Piute Reservoir and Irrigation Company (Piute) requesting a credit of 5,584 acre-feet of water in Sevier Bridge Reservoir. Piute claims a credit of 3,966 acre-feet originating in 2012 and 1,618 acre-feet in 2013. The Sevier Bridge Reservoir Users (Sevier Bridge) submitted a response dated August 14, 2014. Sevier Bridge denies that Piute has any credit from 2012 and acknowledges Sevier Bridge may have credit from 2013, but raises some issues that could affect the calculation of the credit or put it in doubt. Piute submitted an August 27, 2014 follow-up letter clarifying and reiterating its position.

### Piute's Claim of Credit for 2012

Piute claims water flowing past Vermillion Dam between May 1 and September 30 was "accretion to the river" that "became part of the storage in Sevier Bridge Reservoir." Under this theory, the water would be subject to the division of storage between the two reservoirs as set forth on page 186 of the Sevier River Decree (Decree). In 2012, Sevier Bridge Reservoir received less than its first allocation of 89,280 acre-feet, even accounting for the water over Vermillion Dam after May 1. Piute cannot receive credit for storage allocated to Sevier Bridge under Sevier Bridge's primary storage right.

### Piute's Claim of Credit for 2013

Piute claims a credit in 2013 based on excess water passing Vermillion Dam in September during heavy summer storms and thereafter. The total credit claimed is 1,618 ac-ft net in Sevier Bridge Reservoir. In response, Sevier Bridge raises three issues potentially affecting the calculation of the credit. These issues are related to the accounting of A-L Users storage in (and delivery from) Piute Reservoir as well as accounting of storage in Otter Creek Reservoir.



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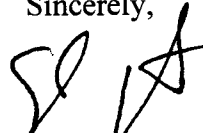
RE: Delivery of Storage Water due Sevier Bridge Reservoir

The final Division of Storage Report for 2013 shows 1,125 ac-ft of Piute water in Sevier Bridge Reservoir as of October 1, 2013. The issues raised by Sevier Bridge are important and we believe that additional transparency in the accounting is merited. However, current distribution practice encompassed the numbers reported in the Division of Storage Report for 2013 and those numbers should be relied upon in considering a credit. We are currently working on making the Sevier River Model accessible online in real-time. As part of this project we will be looking at ways to provide additional data and information to water users that will help to address concerns such as those raised by Sevier Bridge.

**State Engineer's Direction to the Sevier River Commissioners**

The Sevier River Commissioners are instructed that Piute's claim for credit in Sevier Bridge Reservoir originating in 2012 is denied. The Commissioners are instructed that Piute shall receive a credit in Sevier Bridge Reservoir of 1,125 ac-ft as of October 1, 2013, with appropriate reservoir losses assessed thereafter. The balance of water due Sevier Bridge Reservoir after making this adjustment shall be delivered by October 1, 2014.

Sincerely,



BOND CLAYTON FOR

Kent Jones, P.E.  
Utah State Engineer

cc: Kay McIff  
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Richfield, UT 84701

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